

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Doug Murphy,

Civ. No. 07-5080

Plaintiff,

vs.

**DEFENDANT S'MOTION FOR
PROTECTIVE ORDER**

Kmart Corporation,

Defendant.

Rule 26 of the Federal Rules of Civil Procedure is clear that discoverable information is limited to that which is reasonably calculated to lead to the discovery of admissible evidence. Rule 30(b)(6) is equally clear that a deposition notice served pursuant to the rule must set forth areas of inquiry with reasonable particularity. Plaintiff s' Amended Notice of Rule 30(b)(6) Deposition fails to meet either of these standards. Therefore, Defendant Kmart Corporation respectfully moves this Court for an Order:

1. Granting Defendant s' Motion for Protective Order in its entirety, and quashing Plaintiff s' Amended Notice of Rule 30(b)(6) Deposition;
2. Awarding Defendant its reasonable attorneys fees and expenses incurred in bringing this motion.

This motion is based upon Rules 26 and 30 of the Federal Rules of Civil Procedure, Local Rule 37.1, and upon all supporting memoranda, documents, and affidavits that will be filed and served in accordance with Local Rule 7.2, and upon all the files, records and proceedings herein.

Date: October 31, 2008

/s/ Jane Wipf Pfeifle

Jane Wipf Pfeifle

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

First National Bank Building, 8th Floor

P.O. Box 8250

Rapid City, SD 57709-8250

Telephone: 605.342.2592

Facsimile: 605.342.5185

Email: jpfeifle@lynnjackson.com

and

Kathryn Mrkonich Wilson (MN #283605)

Susan K. Fitzke (MN #294032)

LITTLER MENDELSON, P.C.

1300 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Telephone: 612.630.1000

Facsimile: 612.630.9626

Email: kwilson@littler.com

sfitzke@littler.com

ATTORNEYS FOR DEFENDANT